

05-25-01

A

UTILITY PATENT APPLICATION TRANSMITTAL <small>(Only for new nonprovisional applications under 37 CFR 1.53(b))</small>	Attorney Docket No. 42250/234021 (5830-4A)
	First Inventor or Application Identifier: Staskawicz et al.
	Title of Invention: BS2 RESISTANCE GENE
	Express Mail Label No. EL613495482US

JC971 U.S. PTO
09/864680
05/24/01

ADDRESS TO: **BOX PATENT APPLICATION
COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231**

Transmitted herewith for filing in the United States Patent Office is a patent application for:

Inventors: Brian J. Staskawicz, Castro Valley, California; Douglas Dehlbeck, Castro Valley, California; Thomas H. Tai, Stuttgart, Arkansas

Assignee of this invention is The Regents of the University of California

1. ☒ The Filing Fee has been calculated as shown below:
2. ☒ Applicant claims Small Entity Status. See 37 CFR 1.27.

	No. Filed	No. Extra	Small Entity Rate Fee	Large Entity Rate Fee
BASIC FEE			\$355	\$0
TOTAL CLAIMS:	3 - 20 =	0	X 9 = \$0	x 18 = \$0
INDEP CLAIMS:	3 - 3 =	0	X 40 = \$0	x 80 = \$0
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED			+135 = \$0	+270 = \$
*If the difference in Column 1 is less than zero, enter "0" in Column 2.			TOTAL \$ 355	TOTAL \$

The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Acct. No. 16-0605.

- a. ☒ Fees required under 37 CFR 1.16 (National filing fees).
- b. ☒ Fees required under 37 CFR 1.17 (National application processing fees).
- ☒ A check in the amount of \$ 355.00 for the filing fee is enclosed.
- ☐ The above filing fee will be paid along with Applicant(s) Response to the Notice to File Missing Parts.
3. ☒ Specification; Total Pages 38
4. ☒ 1 Sheets of Formal Drawing(s) (35 USC 113)
5. ☒ Declaration and Power of Attorney; [Total Pages 8]
 - a. ☐ Newly executed (original or copy)
 - b. ☒ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
 - i. ☐ DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) & 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76
7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)

8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, necessary)
- a. ☐ Computer Readable Copy (CRF)
 - b. ☒ Request for Transfer of Computer Readable Form of Sequence Listing under 37 CFR § 1.821(e) and MPEP 2422.05
 - c. ☒ Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☒ Paper (31 Pages)
 - d. ☒ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

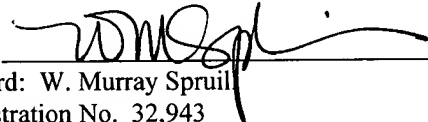
- 9. ☐ Assignment Papers (cover sheet & document(s) (including a check for the \$40.00 fee)
- 10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee); ☐ Power of Attorney
- 11. ☐ English Translation Document (if applicable)
- 12. ☒ Information Disclosure Statement (IDS)/PTO-1449; 0 Copies of IDS Citations
- 13. ☐ Preliminary Amendment
- 14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
- 15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
Foreign Priority is
- 16. ☐ Request and Certification for Non-publication under 35 U.S.C. 122(b)(2)(B)(i).
Applicant must attach form PTO/SB35 or its equivalent.
- 17. ☐ Request for Early Publication Under 37 CFR § 1.219. Fee of \$300.00 is enclosed.
- 18. **If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CF 1.76:**
 - ☐ Continuation ☒ Divisional ☐ Continuation in Part (CIP)

of prior Application No: 09/360,186; Filed July 23, 1999

Prior Application Information: Examiner M. Ibrahim Group/Art Unit: 1638

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. **CORRESPONDENCE ADDRESS** CUSTOMER NUMBER 000826

Signature: 

Attorney of Record: W. Murray Spruill

Attorney of Registration No. 32,943

Alston & Bird LLP

Bank of America Plaza

101 South Tryon Street, Suite 4000

Charlotte, NC 28280-4000

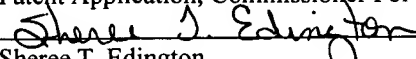
Tel Raleigh Office (919) 420-2200

Fax Raleigh Office (919) 420-2260

"Express Mail" mailing label number EL613495482US

Date of Deposit May 24, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Box Patent Application, Commissioner For Patents, Washington, DC 20231.


Sheree T. Edington

RTA01/2096723v1